

SB 49-FN - AS INTRODUCED

2025 SESSION

25-0921

09/11

SENATE BILL ***49-FN***

AN ACT establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

SPONSORS: Sen. Birdsell, Dist 19; Rep. Roy, Rock. 31

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the crime of and penalties for unlawful use of small unmanned aircraft systems.

This bill is at the request of the department of safety.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Unlawful Operation or Use of Unmanned Aircraft Systems. Amend RSA 644 by
2 inserting after section 644:22 the following new section:

3 644:23 Unlawful Operation or Use of a Small Unmanned Aircraft System.

4 I. A person is guilty of a misdemeanor if such person operates a small unmanned aircraft
5 system ("UAS") that interferes with law enforcement, firefighting, or other emergency response
6 operations or violates any provisions of RSA 644:9.

7 II. A person is guilty of:

8 (a) A class A misdemeanor if such person negligently operates a small UAS in a manner
9 so as to interfere with or disrupt the flight of a human-occupied aircraft, or otherwise impede the
10 normal course of operations of any international, regional, municipal, or general aviation airport.

11 (b) A class B felony if such operation results in damage to a human-occupied aircraft in
12 flight.

13 (c) A class A felony if such operation causes said aircraft to crash and such crash results
14 in death or serious bodily injury.

15 III. A person is guilty of a misdemeanor if such a person operates a small UAS in FAA-
16 restricted airspace over the property of a federal or state correctional, penal, or detention facility,
17 and a class B felony if such operation is done with the purpose of delivering contraband into the
18 facility or to aid in the escape of a prisoner.

19 IV. A person is guilty of a class B felony if such person is knowingly in possession of or
20 operates a small UAS equipped with a device capable of causing serious bodily injury, death, or
21 property damage or is otherwise capable of firing or releasing a projectile. Federal, state, and
22 municipal public safety bomb squad personnel are exempted from this provision for the limited
23 purpose of use of a small UAS for the disposal of explosives, bombs, and hazardous devices. Law
24 enforcement's use of a small UAS to deploy distraction or disorientation devices is exempt from this
25 provision.

26 V. This provision shall not apply to any law enforcement officer acting pursuant to his or her
27 lawful authority.

28 2 Effective Date. This act shall take effect January 1, 2026.

**SB 49-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association